

(S. 1569) to implement the recommendations of the Federal Courts Study Committee, and for other purposes.

When said bill was considered and read twice.

Mr. HUGHES submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 5933, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said amendment.

By unanimous consent, H.R. 5933, a similar House bill, was laid on the table.

#### ¶119.46 SOFTWARE COPYRIGHT CRIMINAL VIOLATION SANCTIONS

Mr. HUGHES moved to suspend the rules and pass the bill of the Senate (S. 893) to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright; as amended.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. HUGHES and Mr. GEKAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to amend title 18, United States Code, with respect to the criminal penalties for copyright infringement."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶119.47 WITNESS FEES

On motion of Mr. HUGHES, by unanimous consent, the bill (H.R. 2324) to amend title 28, United States Code, with respect to witness fees; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

Page 2, strike out lines 1 to 4 and insert:

"(f) Any witness who is incarcerated at the time that his or her testimony is given (except for a witness to whom the provisions of section 3144 of title 18 apply) may not receive fees or allowances under this section, regardless of whether such a witness is incarcerated at the time he or she makes a claim for fees or allowances under this section."

Page 2, after line 10, insert:

"(d) EFFECTIVE DATE.—The amendments made by this section shall be effective on

and after the date of the enactment of this act and shall apply to any witness who testified before such date and has not received any fee or allowance under section 1821 of title 28, United States Code, relating to such testimony."

On motion of Mr. HUGHES, said Senate amendments were agreed to.

A motion to reconsider the vote whereby said Senate amendments were agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

#### ¶119.48 SUSPENSION OF RULES

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to section 3 of House Resolution 591, at 10 o'clock and 20 minutes p.m., announced the placing of a list at the Speaker's table and in each cloakroom describing the object of each motion to suspend the rules that may be considered no sooner than two hours after said notice.

#### ¶119.49 PATENT AND PLANT VARIETY PROTECTION REMEDY CLARIFICATION

On motion of Mr. HUGHES, by unanimous consent, the Committee on the Judiciary was discharged from further consideration of the bill of the Senate (S. 758) to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of patents and plant variety protections, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private entity.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

#### ¶119.50 TRADEMARK REMEDY CLARIFICATION

On motion of Mr. HUGHES, by unanimous consent, the Committee on the Judiciary was discharged from further consideration of the bill of the Senate (S. 759) to amend certain trademarks laws to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of trademarks, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private entity.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

#### ¶119.51 CHILD SUPPORT PAYMENT JURISDICTION

Mr. FRANK moved to suspend the rules and pass the bill (H.R. 5304) to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought, or consents to seeking the modification in such other State court; as amended.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. FRANK and Mr. GEKAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶119.52 INTERSTATE RAIL PASSENGER NETWORK COMPACT

Mr. FRANK moved to suspend the rules and pass the bill (H.R. 5602) granting the consent of the Congress to the Interstate Rail Passenger Network Compact.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. FRANK and Mr. GEKAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶119.53 WILKINSON COUNTY SCHOOL DISTRICT

Mr. FRANK moved to suspend the rules and pass the bill (H.R. 5998) for the relief of the Wilkinson County School District, in the State of Mississippi; as amended.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. FRANK and Mr. GEKAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶119.54 HATE CRIMES SENTENCING  
ENHANCEMENTS

Mr. HOAGLAND moved to suspend the rules and pass the bill (H.R. 4797) to direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancement for hate crimes.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. HOAGLAND and Mr. SENSENBRENNER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶119.55 PUBLIC SAFETY OFFICERS  
BENEFITS

Mr. HOAGLAND moved to suspend the rules and pass the bill (H.R. 5862) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to ensure an equitable and timely distribution of benefits to public safety officers; as amended.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. HOAGLAND and Mr. SENSENBRENNER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶119.56 CALIFORNIA INDIAN TRIBES  
FEDERAL TRUST

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 2144) to provide restoration of the Federal trust relationship with and assistance to the Terminated tribes of California Indians and the individual members thereof; to extend Federal recognition to certain Indian tribes in California; to establish administrative procedures and guidelines to clarify the status of certain Indian tribes in California; to establish a Federal Commission on policies and programs affecting California Indians; and for other purposes:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Advisory Council on California Indian Policy Act of 1992".

**SEC. 2. FINDINGS.**

The Congress has reviewed the social, economic, and political circumstances of California Indians and of governmental policies and programs affecting California Indians and finds that—

(1) the Congress has recognized a special government-to-government relationship with Indian tribes in the United States;

(2) due to the unique historical circumstances of the Indians of California, Federal law and policies have often dealt specifically with California Indians;

(3) there is an urgent need to clarify the eligibility of unrecognized and terminated California Indian tribal groups to be federally acknowledged as Indian tribes with all the rights and powers attendant to that status;

(4) there is among California Indians a continuing social and economic crisis, characterized by, among other things, alcohol and substance abuse, critical health problems, family violence and child abuse, lack of educational and employment opportunities, and significant barriers to tribal economic development;

(5) these conditions exist even though public policies and programs adopted by the Federal Government have been intended to improve the conditions of California Indians; and

(6) California Indian tribes and tribal organizations have expressed a need for a review of the public policies and programs affecting California Indians and to make such policies and programs more effective in accomplishing Federal policy objectives.

**SEC. 3. DEFINITIONS.**

For purposes of this Act—

(1) The term "California Indian tribe" means any federally recognized or unacknowledged Indian tribe located in the State of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(4) The term "federally recognized Indian tribe" means any Indian tribe, band, group, or community that—

(A) has been federally recognized or acknowledged by the United States Government through an Act of Congress, a Federal judicial decision, or an administrative decision by the Secretary pursuant to part 83 of title 25, Code of Federal Regulations;

(B) was terminated by an Act of Congress and has been restored through an Act of Congress, a Federal judicial decision, an admin-

istrative determination or action by the Secretary; or

(C) is included, as of the date of the enactment of this Act, on the list of federally recognized tribes maintained by the Secretary.

(5) The term "unacknowledged Indian tribe" means any Indian tribe, band, group, or community that is not now federally acknowledged by the United States Government and has not been terminated by an Act of Congress.

(6) The term "terminated Indian tribe" means any Indian tribe, band, or community that has been terminated by an Act of Congress and has not been restored through an Act of Congress, a Federal judicial decision, or an administrative determination or action by the Secretary.

(7) The term "Council" means the Advisory Council on California Indian Policy established pursuant to section 4.

**SEC. 4. ESTABLISHMENT OF ADVISORY COUNCIL.**

(a) ESTABLISHMENT.—There is hereby established the Advisory Council on California Indian Policy.

(b) MEMBERS.—The Council shall be composed of 18 members who, other than the members provided for by paragraph (8), shall be appointed by the Secretary not later than 90 days after the date of the enactment of this Act as follows:

(1) Two tribal government representatives (or their designees) from the federally recognized Indian tribes located within the northern California Agency area of the Bureau, including all field and subagencies.

(2) Two tribal government representatives (or their designees) from the unacknowledged Indian tribes located within the northern California Agency area of the Bureau, including all field and subagencies.

(3) Three tribal government representatives (or their designees) from the federally recognized Indian tribes located within the central California Agency area of the Bureau, including all field and subagencies.

(4) Three tribal government representatives (or their designees) from the unacknowledged Indian tribes located in the central California Agency area of the Bureau, including all field and subagencies.

(5) Two tribal government representatives (or their designees) from the federally recognized Indian tribes located within the southern California Agency area of the Bureau, including all field and subagencies.

(6) Two tribal government representatives (or their designees) from the unacknowledged Indian tribes located within the southern California Agency area of the Bureau, including all field and subagencies.

(7) Two tribal government representatives (or their designees) from the terminated Indian tribes located within the northern, central, or southern California Agency areas of the Bureau, including all field and subagencies.

(8) The Area Director of the California Area Office of the Bureau and the Area Director of the California Area Office of the Indian Health Service who shall serve *ex officio* and as nonvoting members of the Council.

(c) RECOMMENDATIONS FROM CALIFORNIA INDIAN TRIBES.—In making appointments to the Council under subsection (b), the Secretary shall ensure that the California Indian tribes have been afforded a full and fair opportunity to select by consensus, in accordance with procedures developed by the California Indian tribes, representatives they will recommend to the Secretary for appointment to the Council, consult with the California Indian tribes; and make appointments to the Council from among those recommended or nominated by California Indian tribes.

(d) INITIAL MEETING.—The Council shall hold its first meeting by no later than the